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May 12, 2014

**VIA E-MAIL**

The Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007  
[Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)

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**MEMO ENDORSED**

Re: AVELA, Inc. v. The Estate of Marilyn Monroe, LLC et al.,  
12-cv-4828(KPF)(JCF);  
Joint Status Letter

Dear Judge Failla:

This firm represents AVELA, Inc. and Leo Valencia (the “AVELA Parties”) in the pending action, and we write in connection with the Court’s March 31, 2014 Order for the parties to file a joint letter advising of the status of discovery in this action. The Estate of Marilyn Monroe, LLC (the “Estate”) joins in this letter.

On April 30, 2014, general discovery closed. However, on May 1, 2014, Judge Francis granted the Estate’s unopposed letter motion to extend time to complete Leo Valencia’s deposition (which is currently scheduled for May 28, 2014), and for the Estate to make its expert damages disclosure by June 16, 2014. (Dkts. 117 & 118.)

In addition, the Estate’s motion for leave to amend its pleading to add alleged alter-egos of the AVLEA Parties is currently pending. (Dkt. 72) The AVELA parties have argued that granting the motion would require additional significant discovery and would affect the pretrial order and dispositive motion deadline (Dkt. 101); the Estate, for the reasons

set forth in its Opening and Reply brief to its motion to amend (Dkts. 73 & 105) disagrees.

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Adele".

Michael R. Adele

cc: Gina I. Durham ([gina.durham@dlapiper.com](mailto:gina.durham@dlapiper.com))  
Tamar Y. Duvdevani ([tamar.duvdevani@dlapiper.com](mailto:tamar.duvdevani@dlapiper.com))

The parties are ORDERED to file a joint letter by July 18, 2014, advising of the status of this action.

Dated: May 13, 2014  
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE